

REMARKS

Applicants have amended claims 28, 42, 49 and 50. Without acquiescing in any rejection, claims 1-27, 29-41, 43-48 and 51 are canceled without prejudice or disclaimer of the subject matter recited therein, and applicants reserve all rights to such subject matter. Applicants add claims 52-66. Upon entry of this amendment, claims 28, 42, 49, 50 and 52-66 will be pending.

In making the amendments, applicants have replaced the word "derivative" with the phrase "polypeptide conjugate." Support for this phrase is found at page 19, third full paragraph.

The enablement rejection is now mooted by the cancellation of claim 43. Applicants believe that this claim is not necessary, and therefore have cancelled it in order to advance prosecution. Applicants reserve all rights to the subject matter of claim 43.

In terms of the prior art, applicants reiterate the following:

The '619 Patent

The '619 patent discloses "RCA protein analogs," which comprise CR1-4 analogs (note that this is distinct from SCR). See Example 2. The focus of the '619 patent is on SCR-1, SCR-2, SCR-8 and SCR-9. See column 10, lines 45-47. A review of the '619 patent shows that there is no disclosure of soluble proteins that comprise SCR3.

Applicants' claims also recite a specific set of possible amino acid substitutions, namely:

Val at position 4, Asp at position 19, Ser at position 53, Lys at position 57, Ala at position 74, Asp at position 79, Arg at position 84, Pro at position 91, Asn at position 109, Lys at position 116, Val at position 119, Ala at position 132, Thr at position 137, Ile at position 139, Ser at position 140, Tyr at position 143, His at position 153, Leu at position 156, Arg at position 159, Lys at position 161, and Lys at position 177.

These substitutions are not taught or suggested by the brief passage contained in column 7, lines 6-9 of the '619 patent.

Hourcade

Hourcade presents an analysis of the amino-terminal coding region of CR1, and reports on a "CR-1 like protein." This protein is discussed on pages 4-5 of applicants' specification. Hourcade only notes that the CR-1 like protein might be an uncharacterized complement protein or an unexpressed pseudogene. See page 979. Hourcade points to no usefulness of the CR-1 like protein, at least on the context of CR-1.

Clissold

Clissold concerns the expression of CR1 anchored at a cell surface by a glycolipid anchor. See the Clissold abstract. By definition, Clissold does not describe a soluble polypeptide. Moreover, Clissold does not disclose the amino acid substitutions recited in the claims.

The references, either alone or in combination, do not teach or suggest the recited

number and combination of SCRs or the possible amino acid substitutions. Accordingly, the references cannot render the instant claims obvious, and therefore the rejection should be withdrawn.


Request

Applicants submit that the claims are in condition for allowance, and respectfully request favorable consideration to that effect. The examiner is invited to contact the undersigned at (202) 912-2000 should there be any questions.

Respectfully submitted,

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Date

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